



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code will consider Petitions to Repeal Regulations 18420.1 and 18901.1 located in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the petitions at a public hearing on or after **April 8, 2010**, at the offices of the Fair Political Practices Commission, 428 J Street, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **April 6, 2010**.

In addition, if the Commission elects to move forward with either petition, the repeal of the regulation will be considered at a public hearing on or after **May 13, 2010**, at the offices of the Fair Political Practices Commission, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **May 11, 2010**.

### BACKGROUND/OVERVIEW

On February 9, 2010, the Commission received a request by Deborah Caplan from the Law Offices of Olson, Hagel, and Fishburn, LLP, on behalf of the California School Boards Association (the "CSBA"), petitioning the Commission to repeal Regulation 18420.1.<sup>1</sup> On the same day, the Commission received a request by Karen Getman of the Law Offices of Remcho, Johansen, and Purcell, LLP, on behalf of the League of California Cities (the "LCC") and the California State Association of Counties (the "CSAC"), petitioning the Commission to repeal Regulation 18901.1. In separate letters of the same date, the CSBA joined the Petition to Repeal Regulation 18901.1, while the LCC and CSAC joined the petition to Repeal Regulation 18420.1.

<sup>1</sup> All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Pursuant to the 1974 Administrative Procedure Act (the "APA"), any person may petition a state agency for the repeal of a regulation. As specified by the APA, the Commission must deny the petitions in writing or schedule the matter for public hearing within 30 days. (Former Government Code Sections 11426 and 11427.)<sup>2</sup>

### REGULATORY ACTION

Pursuant to the APA, the Commission has elected to schedule the Petitions to Repeal Regulations 18420.1 and 18901.1 for a public hearing. The Commission will first consider the petitions on or after April 8, 2010. If the Commission elects to move forward with either petition, the Commission will further consider the repeal of the regulation, in whole or in part, and/or related amendments at its next regularly scheduled meeting on or after May 13, 2010.

### SCOPE

The Commission may repeal either Regulation 18420.1 or 18901.1, in whole or in part, and may choose new language to implement its decisions concerning any related issues.

### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

### AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

### REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 82013, 82025, 82031, 84200–84225, and 89001.

<sup>2</sup> Pursuant to an unpublished decision by the Third District Court of Appeal, the Commission is subject only to the Administrative Procedure Act as it existed when the Act was implemented in 1974. (*Fair Political Practices Commission v. Office of Administrative Law* (Apr. 27, 1972, C010924).)

## CONTACT

Any inquiries should be made to Brian G. Lau, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

### CONFLICT-OF-INTEREST CODES

#### AMENDMENT

STATE: California Forestry and Fire Protection (Cal-Fire)  
California Gambling Control Commission  
Department of Pesticide Regulation

A written comment period has been established commencing on **March 12, 2010**, and closing on **April 26, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **April 26, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed codes and approve it as revised, or return the proposed codes for revision and re-submission.

### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 4. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

### **TITLE 4. BUSINESS REGULATIONS DIVISION 1. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL ARTICLE 19. MALT BEVERAGE REGULATIONS**

#### **NOTICE OF PROPOSED RULEMAKING**

The California Department of Alcoholic Beverage Control (ABC) proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

ABC proposes to amend Section 130 of Title 4, Article 19 of the California Code of Regulations (CCR). This section concerns beer labeling requirements.

The purpose of the proposed amendments is to make Section 130 consistent with statutes added since Section 130 was last amended, to define the term “address” to conform to Code of Federal Regulations (CFR, Title 27, Section 7.25), and to define the term “affixed” to clarify that it means the placement, by any means, of a label or notice, or the information required on a label or notice, on a container of beer as not all labels are made out of paper and glued to containers of beer. The proposed amendments also replace “person” with “packager” where Section 130 refers to the names and addresses that may appear on any label of beer. “Packager” is more specific and accurate than “person.” A “packager” is the only person, other than a manufacturer or bottler, whose name could appear on the label. “To bottle and to package” is defined in Business and Professions Code Section 23030. The proposed amendments also clarify that the label must be affixed before the product is shipped into this state, and thus prior to first delivery to the importer.

Specifically, ABC proposes deleting the first two paragraphs of Section 130 to conform to Business and Professions Code Section 25204 added by SB 1923 (Thompson), Chapter 900, Statutes of 1996. Business

and Professions Code Section 25204 supersedes Rule 130. Business and Professions Code Section 25204 specifies that any beer container sold within this state shall bear a label that conforms with the alcohol content labeling requirements prescribed in Section 7.71 of Part 7 of Title 27 of the Code of Federal Regulations, as adopted pursuant to the Federal Alcohol Administration Act (FAAA) (27 U.S.C. Sec 201 et seq.). It also requires that any beer container sold within this state that contains more than 5.7 percent alcohol by volume shall include a statement of alcoholic content. The first two paragraphs of Section 130 conflict with Business and Professions Code Section 25204. The first paragraph of Section 130 prohibits labeling of any product with alcohol content greater than 4% as “beer.” The second paragraph provides that products in excess of 4% alcohol may only be sold as ale, porter, brown, stout or malt liquor if it bears a label identifying it as such.

Business and Professions Code Section 25205 added by AB 346 (Beall), Chapter 624, Statutes of 2008 requires any container of beer or alcoholic beverage, other than sake, that is approved for labeling as a malt beverage under the FAAA, that derives 0.5% or more of its alcohol content by volume from flavors or other ingredients containing distilled alcohol and that is sold by a manufacturer or importer to a wholesaler or retailer within California on or after July 1, 2009, to bear a distinctive, conspicuous, and prominently displayed label, or firmly affixed sticker containing the following information:

- a) The percentage alcohol content of the beverage by volume; and,
- b) The phrase “CONTAINS ALCOHOL” in bold capitalized letters at least three millimeters in height and that is distinguishable from the background and placed conspicuously in either horizontal or vertical lettering on the front of the brand label, as specified.

Business and Professions Code Section 25205(b) provides that ABC may require licensees to submit information as it determines to be necessary, and may adopt regulations, as may be required, to implement and enforce this section. It also specifies that any information required to be provided by any licensee to ABC, shall be considered confidential and corporate proprietary information, as defined.

These proposed amendments implement and enforce Business and Professions Code Section 25205 by: a) requiring licensees to “file” rather than “furnish” copies of labels to the Department; b) prohibiting the sale or shipment of beer into California unless the Department has accepted the label for filing; and c) authorizing the Department to refuse to accept a label for filing that is



not in compliance with Section 130 or the Alcoholic Beverage Control Act.

#### **PUBLIC HEARING**

ABC has not scheduled a public hearing on this proposed action. However, ABC will hold a hearing if it receives a written request for a public hearing from any interested person or his or her authorized representative no later than 15 days before the close of the written comment period.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to ABC. The written comment period closes at **5:00 p.m. on Monday, April 26, 2010**. ABC will consider only comments received at the ABC Headquarters Office by that time. Please submit comments to:

Susie Smith, Regulations Coordinator  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, California 95834  
E-mail: [Susie.smith@abc.ca.gov](mailto:Susie.smith@abc.ca.gov)  
Phone: (916) 928-6821  
FAX: (916) 419-2599

#### **AUTHORITY AND REFERENCE**

Authority for the proposed amendments is provided by Business and Professions Code Section 25750.

The proposed amendments implement, interpret, or make specific the following reference: Business and Professions Code Sections 23030, 25200, 25204, and 25205.

#### **DOCUMENTS INCORPORATED BY REFERENCE**

No documents are being incorporated by reference.

#### **DISCLOSURES REGARDING THE PROPOSED ACTION**

ABC has made the following initial determinations:

##### **LOCAL MANDATE**

These amendments do not impose a mandate on local agencies or school districts.

##### **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT THAT MUST BE REIMBURSED IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 17500-17630**

These amendments do not create costs to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500-17630.

##### **IMPACT ON PRIVATE PERSONS/BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

##### **IMPACT ON BUSINESS**

It is anticipated that the proposed amendments will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Adoption of the proposed amendments will not create or eliminate jobs within California, will not create new businesses or eliminate existing businesses within California, and will not affect the expansion of businesses currently doing business within California.

##### **IMPACT ON SMALL BUSINESS**

The proposed amendments will not have a significant impact on small businesses. The statute requires licensees to submit information to the Department and authorizes the Department to adopt regulations for implementation and enforcement. These proposed amendments just specify that copies of the labels must be "filed" with the Department and if a label for beer has not been filed and accepted by the Department, it may not be sold or shipped into California.

##### **SIGNIFICANT EFFECT ON HOUSING COSTS**

The proposed amendments will have no effect on housing costs.

##### **COST OR SAVINGS TO ANY STATE AGENCY**

The proposed amendments will not result in costs or savings to any State agency.

##### **OTHER NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES**

These proposed amendments will not result in other non-discretionary costs or savings to local agencies.

COST OR SAVINGS IN FEDERAL FUNDING  
TO THE STATE

These proposed amendments will not result in costs or savings in federal funding to the state.

CONSIDERATION OF ALTERNATIVES

ABC has determined that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

ABC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

ABC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Headquarters office located at 3927 Lennane Drive, Suite 100, Sacramento, California 95834. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, CFR, Title 27, Section 7.25 (document relied upon), and the Economic and Fiscal Impact Statement, Form STD. 399. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Department's contact person or viewed on the website.

CONTACT PERSONS

Copies may be obtained by accessing ABC's website at [www.abc.ca.gov](http://www.abc.ca.gov) or by contacting:

Susie Smith, Regulations Coordinator  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, California 95834  
E-mail: [Susie.smith@abc.ca.gov](mailto:Susie.smith@abc.ca.gov)  
Phone: (916) 928-6821  
FAX: (916) 419-2599

In the event the contact person is unavailable, inquiries regarding the proposed regulatory action should be directed to the following back-up contact person:

Matthew D. Botting, General Counsel  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, California 95834  
E-mail: [matthew.botting@abc.ca.gov](mailto:matthew.botting@abc.ca.gov)  
Phone: (916) 419-2500  
FAX: (916) 419-2599

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

After considering all timely and relevant comments received, ABC may adopt the proposed regulations substantially as described in this notice. If ABC makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before ABC adopts the regulations as revised. Requests for copies of any modified regulation should be sent to the ABC's contact person identified above at the address indicated, or may be viewed on ABC's website. ABC will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

**TITLE 8. DEPARTMENT OF  
INDUSTRIAL RELATIONS**

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Industrial Relations (DIR) proposes to adopt regulations governing the reimbursement for services by the State Mediation and Conciliation Service (SMCS), a Division of the DIR. The regulations are proposed as a new Subchapter 7, Section 17300, of Chapter 8, Division 1, of Title 8 of the California Code of Regulations. The regulations are to be effective July 1, 2010.

PUBLIC HEARING

Public hearings will be held starting at 10:00 a.m. on the following dates:

- (1) On **April 26, 2010** at the Elihu Harris State Office Building, first floor auditorium, located at 1515 Clay Street, Oakland, California; and
- (2) On **April 28, 2010** at the Carmel Auditorium located at 320 W. 4<sup>th</sup> Street, Los Angeles, California.

The auditoriums are wheelchair accessible.

At the hearings, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Direc-

tor requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the regulatory action to the Director as follows:

Paul Rouse, Supervisor  
CA State Mediation and Conciliation Service  
1515 Clay Street, Suite 2206  
Oakland, CA 94612

Comments may also be submitted by facsimile (FAX) at 510-873-6475 or by email to [proose@dir.ca.gov](mailto:proose@dir.ca.gov). **The written comment period closes at 5:00 p.m. on April 28, 2010.** The Director will only consider comments received by SMCS by that time.

#### AUTHORITY AND REFERENCE

**Authority:** Labor Code Sections 55 and 67.

**Reference:** Sections 65, 66, and 67, Labor Code, Sections 25051-25057, 28850-28855, 30750-30756, 40120-40129, 50120-50126, 70120-70129, 95650-95656, 98160-98168, 99560-99570, 100300-100309, 101344, 102400-102410, 103400-103407, 120500-120508, 125520-125527, App 1 §4.1, and App 2 §13.90, Public Utility Code, Section 11010, Government Code, Sections 8740, 8752, State Administrative Manual.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The rulemaking action specifies the services for which the Director shall seek reimbursement and establishes specific charges for those services.

The proposed regulations provide that representation, training and facilitation services, as identified in the regulations, will be reimbursed at an hourly and quarter-hourly rate beginning July 1, 2010.

Hearing officer services incurred in transit district representation proceedings pursuant to the Public Utilities Code are to be reimbursed at cost.

The regulations provide that election services, as defined in the regulations, will be reimbursed beginning July 1, 2010 at a flat rate depending on the size of the bargaining unit.

The regulations also contain provisions establishing when and how services will be charged and which parties will be responsible for reimbursing SMCS.

The regulations provide that beginning July 1, 2010, arbitration services will be reimbursed through annual fees to be paid by arbitrators who wish to serve on SMCS's statewide panel of private arbitrators and through payment of a per-list charge by parties requesting a list or lists of arbitrators from that panel.

SMCS will not charge for its core collective bargaining mediation and grievance mediation services.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Director has made the following initial determinations:

Mandate on local agencies and school districts: None  
Cost to any state agency: None

Cost to local agencies or school districts which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Nondiscretionary costs imposed on local agencies: There may be a non-discretionary fiscal impact on the twenty (20) California transit districts to whom SMCS provides representation and election services under the Public Utilities Code. No such services have been provided in the last four (4) years. It is anticipated that any fiscal impact over the next three (3) years, if any, will be minimal.

Cost or savings in federal funding to state: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California;
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

#### Small Business Determination

The Director has determined that the proposed regulations have no effect on small business. The regulations do not impose non-discretionary costs on the private sector.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Director must deter-



mine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Director invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

#### CONTACT PERSONS

Inquiries regarding the proposed regulations may be directed to:

Paul Roose, Supervisor  
CA State Mediation and Conciliation Service  
1515 Clay Street, Suite 2206  
Oakland, CA 94612  
Telephone: (510) 873-6465

The back-up person for these inquiries is:

A. Roger Jeanson, Staff Counsel  
Office of the Director — Legal Unit  
455 Golden Gate Avenue, Suite 9516  
San Francisco, CA 94102  
Telephone: (415) 703-4240

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Jeanson at the above address.

#### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Director will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, a Memorandum to clients of SMCS dated January 6, 2010, calculations by DIR’s budget office of conciliation services hourly billing rate for fiscal year 2010/2011 arbitration services cost sheet, and worksheets for election and card/petition check reimbursement. Copies may be obtained by contacting Mr. Jeanson at the address or phone number listed above. The text of the file will be available at the following location:

Department of Industrial Relations  
Office of the Director — Legal Unit  
455 Golden Gate Avenue, Suite 9516  
San Francisco, CA 94102.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearings and considering all timely and relevant comments received, the Director may adopt the proposed regulations substantially as described in this notice. If the Director makes modifications which are substantially related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Director adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mr. Jeanson at the address indicated above. The Director will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained from the contact persons named in this notice.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through the SMCS website at <http://www.dir.ca.gov/csmcs/smcs.html>.

### TITLE 8. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

#### Notice of Proposed Rulemaking

Proposed Changes to Sections 344.6 (Definitions), 344.16 (Fee Schedule) and 344.18 (Amusement Ride Fee Schedule)

#### NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Division of Occupational Safety and Health (“the Division”) of the Department of Industrial Relations is proposing to take

the action described in the Informative Digest/Policy Statement Overview (“the Proposed Rulemaking”). Any person interested may present statements or arguments orally or in writing relevant to the Proposed Rulemaking at a hearing to be held in the Training Room at 1515 Clay Street, 13<sup>th</sup> Floor in Oakland, California, on May 3, 2010, between 1:30 and 3:30 p.m.

The facilities for the public hearing are accessible to persons with mobility impairments, and other disability accommodations are available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

Written Comment Deadline: Any interested person may submit written comments relevant to the Proposed Rulemaking to the contact person mentioned below by 3:30 p.m. on May 3, 2010. Interested persons may submit written or verbal comments at the public hearing. Persons who are unable or who do not wish to attend the public hearing may mail or FAX comments to:

Chris Grossgart, DOSH Legal  
1515 Clay Street, Suite 1901, Oakland, CA 94612  
FAX: (415) 972-8686

The official record of the rulemaking proceeding will be closed at the conclusion of the public hearing. The Division will not consider written comments received after the close of the public hearing unless an extension of time in which to receive written comments is announced at the public hearing.

The Division may thereafter adopt the Proposed Rulemaking substantially as described below or may modify it if such modifications are sufficiently related to the original text. With the exception of technical, grammatical or other non-substantive changes, the full text of any modified proposal will be available for 15

days prior to its adoption from the persons designated in this Notice as contact persons and will be mailed to those persons who submit written or oral testimony related to the Proposed Rulemaking or who request notification of any changes to the Proposed Rulemaking.

## AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 60.5, 7923 and 7928 of the Labor Code, and to implement, interpret or make more specific Sections 7920 through 7932 of the Labor Code, the Division is considering changes to Division 1 of Title 8 of the California Code of Regulations as follows: Amendment of Chapter 3.2, Section 344.6 to define the term “Ride Footprint” in the context of permanent amusement rides.

Pursuant to the authority vested by Sections 60.5, 7923, 7928 and 7929 of the Labor Code, and to implement, interpret or make specific Sections 7920 through 7932 of the Labor Code and Section 11010 of the Government Code, the Division is considering changes to Division 1 of Title 8 of the California Code of Regulations as follows: Amendment of Chapter 3.2, Section 344.16 to modify fees charged by the Division for audits, inspections, re-inspections and investigations of permanent amusement rides.

Further, pursuant to the authority vested by Sections 60.5, 6308 and 7904 of the Labor Code, and to implement, interpret or make specific Section 7904 of the Labor Code and Section 11010 of the Government Code, the Division is considering changes to Division 1 of Title 8 of the California Code of Regulations as follows: Amendment of Chapter 3.2, Section 344.18 to modify fees charged by the Division for audits, inspections, re-inspections and investigations of portable amusement rides. The Division proposes to create a new Article 6.1 under which to place Section 344.18, as amended.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Labor Code sections 60.5 and 6308, the Division is charged with the administration and enforcement of the provisions of the California Occupational Safety and Health Act, commencing with Labor Code section 6300, as well as other provisions of law impacting upon the health and safety of employees and the public in the State of California.

As part of its mandate, the Division regulates aspects of the operation, repair and inspection of both permanent amusement rides (rides which are installed in a fixed location, also known as “Permanent ARs”) and portable amusement rides (rides which are assembled and disassembled at different sites as part of a traveling attraction, herein referred to as “Portable ARs”).

Pursuant to the Amusement Rides Safety Law (Labor Code sections 7900 through 7915,) the Division is charged with establishing and administering a state system for the permitting and inspection of Portable ARs. The Division is authorized to collect fees for the inspection of Portable ARs to cover the costs it incurs in having inspections performed by a Division safety engineer and in administering its Portable AR inspection program. (See, also, Government Code section 11010.)

Similarly, pursuant to the Permanent Amusement Ride Safety Inspection Program Law (Labor Code sections 7920 through 7932) the Division is charged with establishing and administering a state system for the inspection of Permanent ARs. The Division is authorized to adopt rules and regulations necessary for the administration of its Permanent AR program, and may fix and collect all fees necessary to cover its costs of administration. (See, also, Government Code section 11010.)

Currently, both the Division's Permanent AR fee schedule (found at Title 8, Section 344.16) and its Portable AR fee schedule (found at Title 8, Section 344.18) are based on a calculated hourly rate of \$125.00 per hour. In other words, when the Division promulgated its existing amusement ride fees, it calculated that it would need to charge \$125 per billed hour of its inspectors' time to fund the administration of its amusement ride programs. That hourly rate is no longer sufficient to cover the cost of the two programs.

Thus, the purpose of the Proposed Rulemaking is to increase the Permanent AR fees and Portable AR fees to a level which will adequately fund those programs. To that end, the Division proposes to make the following amendments:

#### **Section 344.6 — Definitions.**

Section 344.6 defines terms relating to Permanent ARs that appear throughout Article 6. The Division proposes to add "Ride Footprint" as a new defined term to Section 344.6. The term is used in Section 344.16 in connection with the classification of Permanent ARs for purposes of assessing an annual fee. Section 344.6(j) would specify that a "ride footprint" is the surface area, expressed in square feet, that is covered by the ride, itself. The ride footprint would not include the surface area covered by the Permanent AR's waiting area or queuing area.

#### **Section 344.16 — Permanent Amusement Ride Fee Schedule.**

The Proposed Rulemaking would change the title of Section 344.16 from "Fee Schedule" to "Permanent Amusement Ride Fee Schedule" to reflect that the section relates only to Permanent ARs.

**Subsection (d):** Because the Division is proposing to change the Permanent AR fee structure, the Proposed Rulemaking would delete existing subsection (d) in its

entirety. In its place, the Division proposes to add a new Subsection 344.16(d)(1) to reflect the proposed \$195 hourly rate. The new language would also clarify that the Division would bill an inspector's time in quarter-of-an-hour increments, rounded up to the nearest quarter hour. Pursuant to proposed Subsection 344.16(d)(2), the Division would bill only for "actual inspection time." Actual time begins when the Division engineer arrives at the location the Division's information indicates the inspection is to take place, and continues until the engineer has completed his or her report and is ready to leave the area.

Finally, proposed Subsection (d)(3) would state that the Division generally would not bill owners and operators for the time an inspector spends travelling to an inspection site. However, Subsection (d)(3) would allow the Division to bill an owner/operator for an inspector's travel time to a rescheduled inspection if the inspection was rescheduled because the owner/operator either failed to show up or was unprepared for the originally-scheduled inspection.

**Subsection (e):** In addition to the hourly inspection fee, the Proposed Rulemaking would institute a flat annual fee for each Permanent AR. The amount of the fee would be based on the classification of each Permanent AR as either Class I (Small); Class II (Medium); Class III (Large); or Class IV (Extra-Large). The annual fee — \$25 for Class I, \$365 for Class II, \$740 for Class III, and \$1,475 for Class IV — would offset the Division's travel and administrative costs.

**Subsection (f):** The classification of Permanent ARs would be based on several evaluation criteria. A ride would be placed in Class I (Small) if it has a footprint of 699 square feet, or less; operates at ten or fewer revolutions per minute; and/or is a "kiddie coaster" (a ride designed for children 12 years and under.) A ride would be placed in Class II (Medium) if it has a footprint of between 699 square feet and 2,000 square feet, inclusive; is a non-elevated ride that carries its own means of propulsion while towing one or more units; or elevates passengers up to, and including, 60 feet off the ground. A ride would be placed in Class III (Large) if it has a footprint greater than 2,000 and up to, and including, 8,000 square feet; elevates passengers higher than 60 feet and up to 120 feet off the ground; consists of more than 50 units; has a capacity equal to or greater than 50 passengers; or is a roller coaster or similar type of ride that travels a distance of up to and including 1,500 linear feet. Finally, a ride would be placed in Class IV (Extra-Large) if it has a footprint greater than 8,000 square feet; elevates passengers higher than 120 feet off the ground; is a roller coaster or similar type of ride that travels a distance of greater than 1,500 feet; or has certain complex features or controls.



The classification system would default upwards. Thus, for example, if a ride satisfies two criteria under both the “medium” and “large” classifications, it would nevertheless be considered a “large” ride and would pay the higher annual fee. As another example, if a ride satisfies one of the “extra-large” criteria and two of the “medium” criteria, then the ride would be classified as “large” — only one step below the “extra-large” classification, and a step above “medium.”

**Subsection (g):** Pursuant to Subsection (g), the Division would not assess inspection or annual fees to the owners/operators of a “small” ride (other than an aquatic device) if, on or before June 1, 2010, the small ride was in existence and the owner/operator is receiving some recurring portion of its operating costs from a public entity and if the annual paid attendance for that owner/operator is fewer than 500,000 patrons.

### **Section 344.18.**

The Proposed Rulemaking would change the title of Section 344.18 from “Amusement Ride Fee Schedule” to “Portable Amusement Ride Fee Schedule” to reflect that the section relates only to Portable ARs.

**Existing Subsection (a) deleted:** Because the Division is proposing significant changes to the Portable AR fee structure, the Proposed Rulemaking would simply delete existing Subsection (a), entirely.

**Existing Subsection (b) re-lettered:** The Proposed Rulemaking would also re-letter existing Subsection (b) as Subsection (d).

**Proposed Subsection (a):** The Proposed Rulemaking would add a new Subsection (a), “Inspection Fees”. New Subsection 344.18(a)(1) would reflect the proposed \$195 hourly rate. The new language would also clarify that the Division would bill an inspector’s time in quarter-of-an-hour increments, rounded up to the nearest quarter hour. Pursuant to proposed Subsection 344.18(a)(2), the Division would bill only for “actual inspection time.” Actual time begins when the Division engineer arrives at the location the Division’s information indicates the inspection is to take place, and continues until the engineer has completed his or her report and is ready to leave the area.

Finally, proposed Subsection (a)(3) would state that the Division generally would not bill owners and operators for the time an inspector spends travelling to an inspection site. However, Subsection (a)(3) would allow the Division to bill an owner/operator for an inspector’s travel time to a rescheduled inspection if the inspection was rescheduled because the owner/operator either failed to show up or was unprepared for the originally-scheduled inspection.

**Subsection (b):** In addition to the hourly inspection fee, the Proposed Rulemaking would institute a flat annual fee for each Portable AR. The amount of the fee

would be based on the classification of each Portable AR as either Class I (Small); Class II (Medium); Class III (Large); or Class IV (Extra-Large). The annual fee — \$25 for Class I, \$365 for Class II, \$740 for Class III, and \$1,475 for Class IV — would offset the Division’s travel and administrative costs.

**Subsection (c):** The classification of Portable ARs would be based on several evaluation criteria. A ride would be placed in Class I (Small) if it has a footprint of 699 square feet, or less; operates at ten or fewer revolutions per minute; and/or is a “kiddie coaster” (a ride designed for children 12 years and under). A ride would be placed in Class II (Medium) if it has a footprint of between 699 square feet and 2,000 square feet, inclusive; is a non-elevated ride that carries its own means of propulsion while towing one or more units; or elevates passengers up to, and including, 60 feet off the ground. A ride would be placed in Class III (Large) if it has a footprint greater than 2,000 and up to, and including, 8,000 square feet; elevates passengers higher than 60 feet and up to 120 feet off the ground; consists of more than 50 units; has a capacity equal to or greater than 50 passengers; or is a roller coaster or similar type of ride that travels a distance of up to and including 1,500 linear feet. Finally, a ride would be placed in Class IV (Extra-Large) if it has a footprint greater than 8,000 square feet; elevates passengers higher than 120 feet off the ground; is a roller coaster or similar type of ride that travels a distance of greater than 1,500 feet; or has certain complex features or controls.

The classification system would default upwards. Thus, for example, if a ride satisfies two criteria under both the “medium” and “large” classifications, it would nevertheless be considered a “large” ride and would pay the higher annual fee. As another example, if a ride satisfies one of the “extra-large” criteria and two of the “medium” criteria, then the ride would be classified as “large” — only one step below the “extra-large” classification, and a step above “medium.”

### **LOCAL MANDATE**

The Proposed Rulemaking does not impose a mandate on local agencies or school districts.

### **FISCAL IMPACT ESTIMATES**

The Proposed Rulemaking does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Proposed Rulemaking does not impose other nondiscretionary costs or savings on local agencies. The Proposed Rulemaking does not result in any costs or savings in federal funding to the state.



## COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

## BUSINESS IMPACT/SMALL BUSINESSES

The Division has determined that the Proposed Rulemaking will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Proposed Rulemaking would not affect small businesses, as that term is defined in Government Code section 11342.610, since that section specifically excludes entertainment activities such as amusement parks from the definition of “small business.”

## ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The Division has determined that the Proposed Rulemaking will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. It is anticipated that most owners/operators will pass fee increases on to the public through increased admission prices, and that the proposed fee increase will not result in cutting staff or terminating operations.

## COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

Because of the wide range of amusement ride owners/operators in the State of California, it is not possible for the Division to identify or describe a “representative” private person or business engaged in the operation of amusement rides, or to quantify the cost impacts that such a “representative” business would incur in reasonable compliance with the proposed fee increase. Instead, the Division has selected four Portable AR owners/operators and eight Permanent ARs, and has shown the inspection costs for these owners/operators and rides under the existing and proposed fee structures. (See Attachments “A” [Permanent ARs] and “B” [Portable ARs].)

Note that, at least with respect to Permanent ARs, the projected figures for inspection fees for Permanent ARs in Attachment “A” may be somewhat higher than the fees may actually turn out to be in reality. Currently, if an inspector spends only a fraction of an hour inspecting

a Permanent AR, that inspector’s time is rounded up to a full hour for purposes of billing. Conversely, under the proposed new fee structure, if an inspector spends less than a complete hour on an inspection, his or her time will be rounded up only to the next quarter-hour increment, rather than up to the next full hour. Therefore, in a significant number of cases, the amount of time billed for an inspection may actually decrease under the proposed fee structure. The comparison figures in Attachment “A” assume inspections of equal duration under both the old and proposed fee structures, and do not take into account the fact that, although the Division will be billing at a higher rate, the time actually billed for many inspections will be less.

In some cases, an inspection of the same ride may actually turn out to be *less* expensive under the proposed fee structure. For example, if it takes an inspector one hour and 10 minutes to inspect a specific ride then, under the existing fee structure, the Division would round the inspector’s time up to two hours for billing purposes, resulting in an inspection fee of \$250. Under the proposed fee structure, the Division would only bill 1.25 hours for the same inspection, resulting in a bill of \$243.75.

## EFFECT ON HOUSING COSTS

The Proposed Rulemaking will have no effect on housing costs in California.

## ALTERNATIVES

The Division must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency’s attention, would be more effective in carrying out the purpose for which the amendment of these regulations is proposed, or would be as effective as, and less burdensome to, affected private persons than the Proposed Rulemaking.

## CONTACT PERSONS

Inquiries concerning the Proposed Rulemaking and written comments may be directed to:

Chris Grossgart, Staff Counsel (Primary Contact — ((415) 972-8670))  
 Michael D. Mason, Chief Counsel (Secondary Contact — ((510) 286-7348))  
 Division of Occupational Safety and Health,  
 Legal Unit  
 1515 Clay Street, 19<sup>th</sup> Floor  
 Oakland, CA 94612

INITIAL STATEMENT OF REASONS  
AND INFORMATION

The Division has prepared an initial statement of reasons for the Proposed Rulemaking and has available all the information upon which the proposal is based.

TEXT OF PROPOSED RULEMAKING

Copies of the exact language of the Proposed Rulemaking and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Division of Occupational Safety and Health, 1515 Clay Street, 19<sup>th</sup> Floor, Oakland, CA 94612. These documents may also be viewed and downloaded by going to "DIR Rulemaking

— Proposed Regulations" under the category "Division of Occupational Safety and Health" at [www.dir.ca.gov/DIRRulemaking.html](http://www.dir.ca.gov/DIRRulemaking.html).

AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE

All the information upon which the Proposed Rulemaking is based is contained in the rulemaking file which is available for public inspection by contacting the persons named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

PERMANENT RIDES  
COMPARISON OF ACTUAL vs. PROPOSED BILLING FEE STRUCTURES

Ride Operator	ACTUAL 2008 BILLING UNDER CURRENT 1997 FEE STRUCTURE				PROPOSED 2010 FEE STRUCTURE				Increase as a %
	# of Rides	Total Hours	Billing Rate	Total Annual Billing	Ride Size Classifications	Annual Fee	Total Hours *	Billing Rate	Total Projected Annual Billing
Ride # 1	1	3	\$ 125.00	\$ 375.00	S	\$ 25.00	3	\$ 105.00	\$ 610.00
Ride # 2	1	3	\$ 125.00	\$ 375.00	S	\$ 25.00	3	\$ 105.00	\$ 610.00
Ride # 3	1	4	\$ 125.00	\$ 500.00	M	\$ 365.00	4	\$ 105.00	\$ 1,145.00
Ride # 4	1	6	\$ 125.00	\$ 750.00	M	\$ 365.00	6	\$ 105.00	\$ 1,515.00
Ride # 5	1	10	\$ 125.00	\$ 1,250.00	L	\$ 740.00	10	\$ 105.00	\$ 2,000.00
Ride # 6	1	11	\$ 125.00	\$ 1,375.00	L	\$ 740.00	11	\$ 105.00	\$ 2,085.00
Ride # 7	1	27	\$ 125.00	\$ 3,375.00	XL	\$ 1,475.00	26	\$ 105.00	\$ 6,545.00
Ride # 8	1	15	\$ 125.00	\$ 1,875.00	XL	\$ 1,475.00	15	\$ 105.00	\$ 4,400.00

The current hourly rate of \$125 was established in 1997 and there have been no increases in the inspection fees during the past 12 years. Under the proposed fee structure, operators would be billed both an annual fee and an hourly rate for inspection time.

**PORTABLE RIDES**  
**COMPARISON OF ACTUAL vs. PROPOSED BILLING FEE STRUCTURES**

Ride Operator	ACTUAL 2008 BILLING UNDER CURRENT 1997 FEE STRUCTURE				PROPOSED 2010 FEE STRUCTURE				Increase as a %
	# of Rides	Total Hours	Billing Rate	Total Annual Billing	Ride Size Classifications	Annual Fee	Total Hours *	Billing Rate	Total Projected Annual Billing
Operator #1	11	20	\$ 125.00	\$ 2,500.00	5-S, 6-M	\$ 2,315.00	20	\$ 195.00	\$ 3,900.00
Operator #2	17	56	\$ 125.00	\$ 7,000.00	10-S, 7-M	\$ 2,805.00	50	\$ 195.00	\$ 9,750.00
Operator #3	20	88	\$ 125.00	\$ 11,000.00	10-S, 18-M, 1-L	\$ 7,560.00	100	\$ 195.00	\$ 19,500.00
Operator #4	16	94	\$ 125.00	\$ 11,750.00	16-S, 16-M, 2-L	\$ 7,720.00	94	\$ 195.00	\$ 18,330.00
									\$ 20,050.00

The four sample operators above are actual portable ride operators.

The current hourly rate of \$125 was established in 1997 and there have been no increases in the inspection fees during the past 12 years.

Under the proposed fee structure, operators would be billed both an annual fee and an hourly rate for inspection time.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### NOTICE OF PROPOSED REGULATORY ACTION

#### Amend and Update the Training and Testing Specifications for Peace Officer Basic Courses Regulations 1005 and 1018

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representa-

tive, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

#### Public Comments Due by April 26, 2010, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST  
 1601 Alhambra Boulevard  
 Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a mo-

dified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

### Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 — POST powers and §13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code § 13503(e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its February 25, 2010 meeting, the Commission approved proposed amendments to Learning Domains throughout the *Training Specifications for Public Safety Dispatcher Basic Course* publication. The proposed changes included:

- Update Training Specification curriculum as part of an ongoing review.

Penal Code §13510(c): For the purpose of raising the level of competence of local public safety dispatchers, the commission shall adopt, and may from time to time amend, rules establishing minimum standards relating to the recruitment and training of local public safety dispatchers having a primary responsibility for providing dispatching services for local law enforcement agencies described in subdivision (a), which standards shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. These standards also shall apply to consolidated dispatch centers operated by an independent public joint powers agency established pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code when providing dispatch services to the law enforcement personnel listed in subdivision (a). Those rules shall be adopted and amended pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. As used in this section, “primary responsibility” refers to the performance of law enforcement dispatching duties for a minimum of 50 percent of the time worked within a pay period.

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to

existing academy curriculum. The proposed effective date is July 1, 2010.

### Local Mandate

This proposal does not impose a mandate on local agencies or school districts.

### Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with §17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

### Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

### Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

### Assessment Regarding Effect on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in the State of California.

### Cost Impact on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### Effect on Housing Costs

None.

### Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency’s attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to, affected private persons than the proposed action.

### Contact Person

Please direct inquiries or written comments about the proposed regulatory action to the following:



Don Shingara  
Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083  
(916) 227-3935 or [Don.Shingara@post.ca.gov](mailto:Don.Shingara@post.ca.gov)  
FAX (916) 227-6932

or

Patti Kaida  
Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083  
(916) 227-4847 or [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov)  
FAX (916) 227-5271

### Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at: 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

### Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person named above.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### NOTICE OF PROPOSED REGULATORY ACTION

#### Amend and Update the Training and Testing Specifications for Peace Officer Basic Courses Regulations 1005, 1007, and 1008

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive

the written request no later than 15 days prior to the close of the public comment period.

### Public Comments Due by April 26, 2010, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to the:

Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

### Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code § 13503 — POST powers and § 13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503(e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its July 23, 2009 meeting, the Commission approved proposed amendments to Learning Domains throughout the *Training and Testing Specifications for Peace Officer Basic Courses* publication. The proposed changes included:

- Update Training & Testing Specification curriculum as part of an ongoing review.

Penal Code § 13519.6 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers.

All changes to academy curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended

changes to existing academy curriculum. The recommendations are forwarded to a Test Review Panel, comprised of academy administrators who identify testing questions and pass point thresholds for the new curriculum. Once the Test Review Panel has reviewed the recommendations, they are submitted for review by all academies at the Basic Course Consortium quarterly meetings facilitated by POST. The completed work of all committees is presented to the POST Commission at large for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test to the updated curriculum. The proposed effective date is July 1, 2010.

***Incorporation by Reference:*** *Training and Testing Specifications for Peace Officer Basic Courses* publication, incorporated by reference into POST Regulations 1005, 1007, and 1008, Rev. 06-04-09.

### **Local Mandate**

This proposal does not impose a mandate on local agencies or school districts.

### **Fiscal Impact Estimates**

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with §17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

### **Costs or Savings to State Agencies**

POST anticipates no additional costs or savings to state agencies.

### **Business Impact/Small Businesses**

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

### **Assessment Regarding Effect on Jobs/Businesses**

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in the State of California.

### **Cost Impact on Representative Private Persons or Businesses**

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

### **Effect on Housing Costs**

None.

### **Alternatives**

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to, affected private persons than the proposed action.

### **Contact Person**

Please direct inquiries or written comments about the proposed regulatory action to the following:

Cheryl Smith  
Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083  
(916) 227-0544 or [cheryl.smith@post.ca.gov](mailto:cheryl.smith@post.ca.gov)  
FAX (916) 227-6932

or

Patti Kaida  
Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083  
(916) 227-4847 or [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov)  
FAX (916) 227-5271

### **Text of Proposal**

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at: 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

### **Availability and Location of the Rulemaking File and the Final Statement of Reasons**

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person named above.

## TITLE 16. DENTAL HYGIENE COMMITTEE OF CALIFORNIA

### DEPARTMENT OF CONSUMER AFFAIRS

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Committee of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the:

Department of Consumer Affairs  
1<sup>st</sup> Floor Hearing Room  
2005 Evergreen Street  
Sacramento, California on

**April 26, 2010**

**10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact in this Notice, must be received by the Dental Hygiene Committee of California (hereinafter "Committee") at its office not later than 5:00 p.m. on April 26, 2010, or must be received by the Committee at the hearing. The Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1906 of the Business and Professions Code, and to implement, interpret or make specific Sections 1916 and 1950 of the Business and Professions Code, and Penal Code Section 11105, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 1906 authorizes the Committee to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Article

9 of the Business and Professions Code. The Committee is proposing the following changes:

#### Adopt Section 1106 of Division 11 of Title 16 of the California Code of Regulations

This proposal would require a licensee to provide timely and accurate responses to inquiries and provide necessary documents needed by the Committee to investigate and take appropriate actions against a licensee convicted of a criminal offense that is substantially related to the practice of dental hygiene.

To conduct an investigation on whether a conviction is substantially related to a licensee's scope of practice, the Committee must review "certified" police reports, "certified" court documents and review documentation that substantiates compliance with probationary terms and rehabilitation efforts. Without this information the Committee cannot make a final determination as to the appropriate action. This proposed language would enable the Committee to issue a citation and fine for failure to provide the necessary documentation in a timely manner. Due to the enormous volume of conviction documents that must be obtained from the various courthouses throughout California and other states, it is critical that the licensee provide accurate courthouse and case number information.

#### Adopt Section 1107 of Division 11 of Title 16 of the California Code of Regulations

Business and Professions Code Section 1916 provides that every applicant for licensure shall furnish fingerprint cards for submission to state and federal criminal justice agencies to establish the identity of the applicant and to determine if the applicant has a record of any criminal convictions in California or in any other jurisdiction. This proposed regulation would also require a licensee who was never fingerprinted by the Committee or for whom a fingerprint record no longer exists, as a condition of renewal, to (a) furnish to the Department of Justice, as directed by the Committee, a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal criminal offender record information search conducted through the Department of Justice. Failure to do so would constitute a ground for disciplinary action by the Committee; (b) disclose on the renewal form whether he or she has been convicted of any violation of the law in this state or any other jurisdiction; and (c) failure to provide all required information may render the renewal application incomplete and ineligible for renewal.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies:  
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement: None

Business Impact: The Committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Committee has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: Dental Hygienist, Dental Hygienist in Alternate Practice and Dental Hygienist with Extended Function who have not previously been fingerprinted for the Committee or for whom a fingerprint record no longer exists, will be required to be fingerprinted at the time of their license renewal, reactivation, or reinstatement. The cost for a person to get fingerprinted is approximately \$65.00. Of this fee, \$51.00 goes to the Department of Justice for conducting the background check and providing criminal record reports to the Committee; \$14.00 goes to the vendor for fingerprinting the individual. The vendor's fee ranges from \$5.00 to \$45.00 with the average fee being \$14.00.

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The Committee has determined that the proposed regulations would not have a significant economic impact on small businesses. There are approximately 750 vendors statewide, including small businesses, which provide fingerprinting services. There should be no initial or ongoing cost impact upon the vendors because they are already equipped to provide the service, and the fingerprinting of the approximate 28,000 licensees will be extended over a two (2) year period.

#### CONSIDERATION OF ALTERNATIVES

The Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the pur-

pose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Hygiene Committee of California at 2005 Evergreen Street, Suite 1050, Sacramento, California 95815.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Traci Napper, Legislative Analyst  
Address: 2005 Evergreen Street, Suite 1050  
Sacramento, CA 95815  
Telephone No.: (916) 263–2572  
Fax No.: (916) 263–2688  
E-Mail Address: Traci\_Napper@dca.ca.gov

The backup contact person is:



Name: Lori Hubble, Executive Officer  
 Address: 2005 Evergreen Street, Suite 1050  
 Sacramento, CA 95815  
 Telephone No.: (916) 263-1978  
 Fax No.: (916) 263-2688  
 E-Mail Address: Lori\_Hubble@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Committee's website: [www.dhcc.ca.gov](http://www.dhcc.ca.gov).

## TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Sheraton Gateway Los Angeles, 6101 West Century Blvd., Los Angeles, California, at **9:00 a.m.**, on **April 30, 2010**. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. **on April 26, 2010** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 851, 2005, 2096, 2101, 2102, 2103, 2151, 2170, 2176 and 2183 of said Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1328 in Article 8 of Chapter 1, Division 13, relating to the Written Examinations recognized by the Board.

Existing regulations specify the types of examinations recognized by the Board. This proposal would recognize the examination combination of USMLE Steps 1 & 2 and NBME Step 3 to meet the examination requirement for a physician and surgeon license. It would also make a technical change to reflect the statutorily changed structure and elimination of the Division of Licensing.

CCR Title 16, section 1328, enumerates the combination of written examinations that are acceptable to the Board for the issuance of an initial physician & surgeon license. The regulations were last amended in 1999 to reflect the new USMLE steps 1, 2 and 3. At that time, staff and members attempted to anticipate all of the possible legitimate combinations of examinations that future applicants would need to have recognized. Until very recently, the Board's regulation has been adequate.

At present, however, the Board has received an application from a person who is unable to be licensed because the combination of examinations passed by the applicant do not meet the regulatory requirement.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

There are no costs associated with the proposed regulatory action. The proposed regulation only expands the acceptable, recognized written examination combinations for physician and surgeon licensure.

Impact on Jobs/New Businesses:

The Medical Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Medical Board of California is certain that there are no cost impacts to this proposed rulemaking.

This proposed regulation only expands the acceptable, recognized written examination combinations for physician and surgeon license.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Medical Board of California has determined that the proposed regulations would not affect small businesses. This proposed regulation only will have an impact on those applying for licensure as a physician and surgeon.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, California 95815.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Deborah Pellegrini, Chief of  
Licensing  
Medical Board of California  
Address: 2005 Evergreen Street, Suite  
1200  
Sacramento, CA 95815  
Telephone No.: (916) 263-2389  
Fax No.: (916) 263-2387  
E-Mail Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke  
Medical Board of California  
Address: 2005 Evergreen Street, Suite  
1200  
Sacramento, CA 95815  
Telephone No.: (916) 263-2389  
Fax No.: (916) 263-2387  
E-Mail Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at [www.mbc.ca.gov](http://www.mbc.ca.gov).

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FISH AND GAME

#### CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2010-001-02

PROJECT: PG&E Rio Oso to Lincoln 115kv  
Power Line Project  
LOCATION: Placer and Sutter Counties  
NOTIFIER: Pacific Gas and Electric Company

#### BACKGROUND

Pacific Gas and Electric Company (PG&E) proposes to upgrade in place 12 miles of existing 115kV power lines and poles. The Rio Oso to Lincoln 115kv Power Line Project (Project) will replace power lines and

poles between the Rio Oso Substation and the Lincoln Substation. The Project will begin at the Lincoln Substation, run north along Gladding Road for approximately 2 miles, run west along Wise Road for approximately 8.5 miles, run north along Brewer Road for 0.5 miles, and west along Hicks Road for 0.75 miles to the Rio Oso Substation. With the exception of the substation properties and the Highway 65 Bypass construction site, the Project will occur within PG&E right-of-ways along existing roads.

The Project will replace existing power lines and wooden power poles with new power lines and a combination of wood poles, concrete poles, and tubular steel poles. Construction activities associated with the Project include excavation of holes, pouring of concrete tower foundations for tubular steel poles, erection of tubular steel poles and cross-arms, erection of concrete poles and wood poles, installation of travelers and stock lines, conductor stringing, clipping, sagging, and dead-ending. Construction equipment used at the site may include: line trucks, water truck, four-wheel drive pickups, 70-ton crane, rope truck, tensioner truck, conductor trailer, helicopters, and hand tools.

The activities described above have the potential to incidentally take giant garter snake (*Thamnophis gigas*) when the activities take place within aquatic habitat such as irrigation ditches and road-side drainage ditches adjacent to rice fields and associated upland habitats within the Project's boundaries. Giant garter snake is listed as a threatened species under the federal Endangered Species Act (ESA; 16 U.S.C. § 1531 et seq.) and a threatened species under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 et seq.).

The presence of giant garter snake has been documented 6.85 miles from the Project area and there is suitable giant garter snake habitat within and adjacent to the Project area. Because of the proximity of the nearest documented giant garter snake, dispersal patterns of giant garter snake, and the presence of suitable giant garter snake habitat within the Project area, the U.S. Fish and Wildlife Service determined giant garter snake is reasonably certain to occur within the Project area and is expected to be incidentally taken as a result of Project activities. Construction of the Project will result in the temporary short-term (< than 1 season) loss of 0.142 acres of aquatic giant garter snake habitat. Construction of the Project will also result in the permanent loss of 0.035 acres of aquatic giant garter snake habitat.

Because the Project has the potential to take a species listed under the ESA, the U.S. Army Corps of Engineers (ACOE) consulted with the Service as required by ESA. On September 15, 2009, the Service issued a letter (Ser-

vice file No. 81420-2009-F-1321-1) (Append Letter) to the ACOE, appending the Project to the Service's *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Sutter, and Yolo Counties California*, (Service file No. 1-1-F-97-149) (Programmatic BO). The Append Letter describes Project actions, requires PG&E to comply with terms of the Programmatic BO and its incidental take statement, and incorporates additional measures, including those described in the April 2009 *Biological Assessment for the Pacific Gas and Electric Company's Rio Oso — Lincoln Transmission Line Project* (BA).

Because giant garter snake is also listed as a threatened species pursuant to CESA, on February 2, 2010, PG&E notified the Director of the Department of Fish and Game (DFG) that PG&E was requesting a determination, pursuant to Fish and Game Code section 2080.1, that the Append Letter, now a part of the Programmatic BO, and its related incidental take statement (ITS) is consistent with CESA for purposes of the Project.

## DETERMINATION

DFG has determined that the Programmatic BO, including the Append Letter and ITS, is consistent with CESA as to the Project because the mitigation measures contained in the Programmatic BO, Append Letter, and ITS, as well as the conditions in the BA, meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that take of giant garter snake will be incidental to an otherwise lawful activity, the mitigation measures identified in the Programmatic BO, Append Letter, and ITS will minimize and fully mitigate the impacts of the authorized take, and construction of the Project will not jeopardize the continued existence of giant garter snake. The mitigation measures in the Programmatic BO, Append Letter, and ITS include, but are not limited to, the following:

### Minimization, Mitigation, and Monitoring Measures

- The Project shall be conducted during the active period of the giant garter snake; May 1 to October 1 of any year.
- An approved biologist shall be onsite to monitor all work that is to occur in giant garter snake habitat and work that is to occur within 200 feet of giant garter snake habitat

- An approved biologist shall conduct worker awareness training prior to construction focused on the life history and habitat requirements of the giant garter snake, the intrinsic value of the giant garter snake, and the project related minimization and avoidance measures related to the giant garter snake.
- PG&E will implement Best Management Practices identified in a Storm Water Pollution Prevention Plan (SWPPP) to prevent sedimentation of giant garter snake aquatic habitat.
- Construction-related equipment shall be confined to existing roads or areas already disturbed.
- Refuse and construction related debris shall be properly confined and removed regularly from the project site.
- PG&E shall provide mitigation for temporary impacts in accordance with the requirements of the Programmatic BO by restoring 0.142 acres of giant garter snake habitat within the same season that the project occurs. If PG&E is unable to provide mitigation for temporary impacts within the same season, PG&E will provide such mitigation by the end of the same calendar year.
- PG&E shall provide mitigation for permanent impacts according to the Programmatic BO by purchasing 0.105 credits at an approved giant garter snake conservation bank with a service area that covers the project boundaries. PG&E shall purchase the credits and provide proof of purchase to DFG prior to construction activities.

#### Financial Assurances

- PG&E shall provide, subject to review and approval by DFG, a cost estimate associated with the implementation of the SWPPP for the implementation of restoration measures (stipulated in the SWPPP) that would return disturbed giant garter snake habitat to pre-project conditions.
- Upon approval of the cost estimate and prior to the initiation of Project activities, PG&E shall provide a financial commitment (e.g., Letter of credit, letter of security) in a form approved by DFG, to DFG to ensure performance of these measures.

#### Notification and Reporting

- PG&E shall monitor the Project's restored habitats with photo documentation, including pre- and post- project documentation. PG&E shall complete a monitoring report that documents the successful restoration, due one year from the implementation of the restoration.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of giant garter snake for the Project, provided PG&E implements the Project as described in the Append Letter, including adherence to all measures contained in the BA, and complies with the mitigation measures and other conditions described in the Programmatic BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Programmatic BO, Append Letter, or ITS, PG&E will be required to obtain a new consistency determination or a CESA incidental take permit from DFG (see generally Fish & G. Code, §§ 2080.1, 2081.). This determination is limited to consistency of the Programmatic BO as applied specifically to the Project, and does not cover other activities that might be appended to the Programmatic BO in the future. Separate determination(s) or take authorization(s) must be obtained for future activities that may result in take of CESA-listed species.

### **DEPARTMENT OF FISH AND GAME**

#### **Department of Fish and Game — Public Interest Notice**

For Publication March 12, 2010

**CESA CONSISTENCY DETERMINATION FOR  
Willits Railroad Avenue Bridge Replacement Project  
Mendocino County  
2080-2010-002-01**

The Department of Fish and Game (Department) received notice on February 23, 2010, that the City of Willits proposes to rely on consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The project consists of replacement construction of a bridge spanning Baechtel Creek approximately 107 meters south of the intersection of Railroad Avenue and Oak Avenue within the City of Willits in Mendocino County (Project). Project involves dewatering, clearing and grading both banks of Baechtel Creek for a distance of 15.25 meters, fish relocation, bridge removal, channel modification and bridge construction. Project activities will result in impacts to Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*).

The National Marine Fisheries Service (NMFS) issued a "no jeopardy" federal biological opinion (2009/07045)(BO) and incidental take statement (ITS) to the Federal Highway Administration (FHWA) on February 12, 2010, which considered the effects of the project on the Federally and State threatened SONCC coho salmon. Pursuant to California Fish and Game Code Section 2080.1, the City of Willits is requesting a



determination that the BO and ITS are consistent with the requirements of CESA. If the Department determines that the BO and ITS are consistent with CESA for the proposed project, the City of Willits will not be required to obtain a separate permit under Fish and Game Code Section 2081 for the proposed project.

## OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency  
Office of Environmental Health Hazard  
Assessment  
Notice to Interested Parties

March 12, 2010

### ANNOUNCEMENT OF EXTENSION OF PUBLIC COMMENT PERIOD

#### Proposed Public Health Goal for Styrene in Drinking Water

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is hereby announcing a 60-day extension of the public comment period on the draft technical support document for the proposed Public Health Goal (PHG) for styrene in drinking water. The draft PHG document is currently posted on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)) and OEHHA is soliciting comments on it from all interested parties, with a close-of-comment date of March 15, 2010. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for receiving public input.

With this extension, written comments must be received at the OEHHA address below by 5:00 p.m. on May 15, 2010 to be considered during this document revision period. The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).<sup>3</sup>

<sup>1</sup>Codified at Health and Safety Code, section 116270 et seq.

<sup>2</sup>Health and Safety Code section 116365(c)

<sup>3</sup>Health and Safety Code section 116365(a) and (b)

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Michael Baes ([mbaes@oehha.ca.gov](mailto:mbaes@oehha.ca.gov))  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
1515 Clay St., 16th floor  
Oakland, California 94612

Attn: PHG project.

## OAL REGULATORY DETERMINATION

### OFFICE OF ADMINISTRATIVE LAW

#### DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

(Pursuant to Government Code Section 11340.5  
and  
Title 1, section 270, of the  
California Code of Regulations)

### DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: February 25, 2010  
To: Shawn Perrot  
From: Chapter Two Compliance Unit  
Subject: **2010 OAL DETERMINATION NO. 4(S)**  
**(CTU2009-1228-03)**  
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation California Men's Colony Department Operations Manual (DOM) Supplement, section 101050.7

On December 28, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether California Men's Colony Department Operations Manual (DOM) Supplement, section 101050.7 constitutes an underground regulation. Specifically, you challenge the following lan-

guage in section 101050.7: “Handicraft tools and materials must be purchased from the participant’s own funds.” Section 101050.7 was issued by John Marshall, the warden at the California Men’s Colony.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).<sup>2</sup> Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4<sup>th</sup> 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering

or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition applies solely to the inmates of the California Men’s Colony. It was issued by John Marshall, the warden at the California Men’s Colony. Inmates housed at other institutions are governed by those other institution’s criteria for the purchase of handicraft materials. The rule you challenged was issued by the California Men’s Colony, and applies only to inmates at the California Men’s Colony. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.<sup>3</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/  
SUSAN LAPSLEY  
Director

/s/  
Kathleen Eddy  
Senior Counsel

Copy: Matthew Cate  
Tim Lockwood  
John McClure

<sup>3</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

**(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** (Emphasis added.)

<sup>1</sup> “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

<sup>2</sup> Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

# SUMMARY OF REGULATORY ACTIONS

## REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0111-03  
BOARD OF OCCUPATIONAL THERAPY  
Renewal of License or Certificate

The California Board of Occupational Therapy amended title 16, California Code of Regulations, section 4120, to require renewing applicants to submit fingerprints to the Department of Justice for Board investigations of criminal history records at both the state and federal levels. The requirement will be effective on July 1, 2010 for all applicants who renew licenses and certificates issued by the Board that do not have a record of fingerprints submitted to the Department of Justice. The requirement is waived for renewing applicants who renew to inactive status and to licensees and certificate holders who are actively serving in the military outside the country.

Title 16  
California Code of Regulations  
AMEND: 4120  
Filed 02/24/2010  
Effective 03/26/2010  
Agency Contact: James Schenk (916) 263-2249

File# 2010-0125-01  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Conflict of Interest Code

The Department of Corrections and Rehabilitation is amending its conflict of interest code found at title 15, section 7001, California Code of Regulations. The changes were approved for filing by the Fair Political Practices Commission on December 23, 2009.

Title 15  
California Code of Regulations  
AMEND: 7001  
Filed 02/24/2010  
Effective 03/26/2010  
Agency Contact: John McClure (916) 255-5464

File# 2010-0119-03  
DEPARTMENT OF FOOD AND AGRICULTURE  
West Indian Sugarcane Root Borer Exterior Quarantine & Diaprepes Root Weevil

This regulatory action repeals the quarantine areas previously specified against Diaprepes Root Weevil because funding for continuance of the Diaprepes Root Weevil Project was not approved. The regulatory action further repeals the quarantine areas previously specified for West Indian Sugarcane Root Borer Exterior Quarantine because it is the old common name for Diaprepes Root Weevil. (In both cases, the target pest is Diaprepes abbreviatus.)

Title 3  
California Code of Regulations  
REPEAL: 3279, 3433  
Filed 03/03/2010  
Effective 04/02/2010  
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2010-0119-07  
DEPARTMENT OF FOOD AND AGRICULTURE  
Light Brown Apple Moth Eradication Area

This Certificate of Compliance makes permanent an emergency regulatory action (OAL file no. 2009-0716-03E) that established the county of San Luis Obispo as an eradication area for the pest Light Brown Apple Moth (Epiphyas postvittana).

Title 3  
California Code of Regulations  
AMEND: 3591.20  
Filed 03/03/2010  
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2010-0119-06  
DEPARTMENT OF FOOD AND AGRICULTURE  
Mediterranean Fruit Fly Interior Quarantine

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2009-0716-02E) that removed a portion of the El Cajon area of San Diego County, approximately 105 square miles, from the area currently under quarantine (approximately 198 square miles) for the Mediterranean fruit fly.

**Title 3**

California Code of Regulations

AMEND: 3406(b)

Filed 03/03/2010

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2010-0119-05

DEPARTMENT OF FOOD AND AGRICULTURE

Oriental Fruit Fly Interior Quarantine

This regulatory action is to remove approximately 109 square miles from a quarantine area in Los Angeles and Orange counties for the Oriental Fruit Fly.

**Title 3**

California Code of Regulations

AMEND: 3423(b)

Filed 03/03/2010

Effective 03/03/2010

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2010-0225-01

DEPARTMENT OF FOOD AND AGRICULTURE

European Grapevine Moth — Interior Quarantine

The Department of Food and Agriculture (Department) adopts this emergency regulatory action to add section 3437 to title 3 of the California Code of Regulations. Specifically, the Department establishes a regulated quarantine area of approximately 162 square miles for the *Lobesia botrana* (European Grapevine Moth) in Napa, Solano and Sonoma counties.

**Title 3**

California Code of Regulations

ADOPT: 3437

Filed 03/03/2010

Effective 03/03/2010

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2010-0216-03

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This emergency readopt is a straight readopt of two files: 2009-0825-02E and 2009-0828-02E. The regulatory action relative to 2009-0825-02E adds all of Orange County to the area quarantined to help prevent the spread of the Asian Citrus Psyllid, associated bacteria, and Citrus Greening (CG) disease. It also declares as hosts any citrus fruit in bulk containers/bins or any other citrus fruit with leaves and stems attached. The regulatory action relative to 2009-0828-02E adds

all of Los Angeles County to the area quarantined to help prevent the spread of the Asian Citrus Psyllid, associated bacteria, and CG disease.

**Title 3**

California Code of Regulations

AMEND: 3435

Filed 02/26/2010

Effective 02/26/2010

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2010-0113-01

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Housing Element Annual Report

The Department of Housing and Community Development is adopting new regulations in Title 25 of the California Code of Regulations to implement and interpret section 65400 of the Government Code that requires each city, county or city and county planning agency to prepare an annual report on the status of the housing element of its general plan and progress in its implementation. These newly adopted sections establish the requirements for the report and define relevant terms.

**Title 25**

California Code of Regulations

ADOPT: 6200, 6201, 6202, 6203

Filed 02/25/2010

Effective 03/27/2010

Agency Contact: Lenora Frazier (916) 323-4475

File# 2010-0119-09

DEPARTMENT OF MOTOR VEHICLES

Annual Fee Adjustment 2010

This regulatory action is the Department of Motor Vehicle's annual adjustment of fees for various licensing categories to compensate for increases in the California Consumer Price Index for the prior year, as calculated by the Department of Finance, pursuant to the mechanism in Vehicle Code section 1678. In addition, this regulatory action codifies in regulation the statutory changes in base fee amounts made by A.B. 10 (Chapter 10, 2009 Fourth Extraordinary Session) effective January 1, 2010.

**Title 13**

California Code of Regulations

AMEND: 423.00

Filed 03/03/2010

Effective 03/03/2010

Agency Contact: Maria Grijalva (916) 657-9001



File# 2010-0121-04

**DEPARTMENT OF PUBLIC HEALTH**

**Scope of Practice in Licensed Health Facilities**

This regulatory action revises existing regulations on the scope of practice in General Acute Care Hospitals, Acute Psychiatric Hospitals, Skilled Nursing Facilities, Intermediate Care Facilities, and Chemical Dependency Rehabilitation Hospitals.

**Title 22**

**California Code of Regulations**

AMEND: 70055, 70577, 70703, 70706, 70707, 70717, 70749, 70751, 70753, 71053, 71203, 71205, 71503, 71507, 71517, 71545, 71551, 71553, 72091, 72109, 72303, 72311, 72315, 72319, 72337, 72413, 72423, 72433, 72453, 72461, 72471, 72515, 72523, 72525, 72528, 72543, 72547, 73077, 73089, 73301, 73303, 73311, 73313, 73315, 73325, 73329, 73399, 73409, 73449, 73469, 73479, 73489, 73517, 73519, 73523, 73524, 73543, 73547, 79315, 79351, 79637, 79689

Filed 03/03/2010

Effective 04/02/2010

Agency Contact:

Barbara S. Gallaway (916) 440-7689

File# 2010-0218-02

**DEPARTMENT OF SOCIAL SERVICES**

**Division 31, Grievance Review Procedures**

This is the first readopt of the emergency regulatory action (OAL file no. 2009-0819-02E) that introduced the use of three new forms, established the requirements for notifying individuals of their listing on the Child Abuse Central Index (CACI), a child abuse registry maintained by the California Department of Justice, and established the procedures for requesting, scheduling, and conducting a grievance hearing and appealing the decision of a grievance hearing. These regulations also established factors to be considered when determining whether to temporarily place a child in a home in which a relative or non-related extended family member lives and who is on the CACI list. Additionally, these regulations deal with special requirements for reporting child abuse and neglect to the California Department of Justice.

**Title MPP**

**California Code of Regulations**

ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501

Filed 02/26/2010

Effective 02/26/2010

Agency Contact:

Zaid Dominguez (916) 657-2586

File# 2010-0216-02

**EDUCATION AUDIT APPEALS PANEL**

**Supplement of Audits of K-12 LEAs - FY 2009-10**

This emergency action supplements and updates the Education Audit Appeals Panel's Audit Guide for the 2009-10 school year to conform with statutory changes in the amount of instruction required at public schools.

**Title 5**

**California Code of Regulations**

AMEND: 19824, 19851, 19854

Filed 02/26/2010

Effective 02/26/2010

Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2010-0119-08

**OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

**Revisions to CCORP to Implement Online Reporting**

This rulemaking amends and adopts regulations in Title 22 of the California Code of Regulations to establish an online reporting system for risk-adjusted outcomes for coronary artery bypass graft surgeries by hospitals and surgeons for post January 1, 2009 patient discharges. The online reporting system replaces the process of submitting these reports to the Office of Statewide Health Planning and Development in paper form or on compact discs.

**Title 22**

**California Code of Regulations**

ADOPT: 97177.10, 97177.15, 97177.20, 97177.25, 97177.30, 97177.35, 97177.45, 97177.50, 97177.55, 97177.60, 97177.65, 97177.67, 97177.70, 97177.75, 97199.50, 97200 AMEND: 97170, 97172, 97174, 97176, 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97194 (renumbered as 97199), 97196, 97198

Filed 02/24/2010

Effective 02/24/2010

Agency Contact: Holly Hoegh (916) 326-3868

File# 2010-0111-01

**STATE ALLOCATION BOARD**

**Leroy F. Greene School Facilities Act of 1998; SB 1556 Implementation**

Senate Bill 1556 (Stats. 2008, c. 723) provides that the Board may permit a large qualifying elementary school district that is located within a high school district to establish new construction funding eligibility for the School Facility Program (SFP) on a "high school attendance area" (HSAA) basis if specified criteria and conditions are met. This regulatory action adds authority for a qualifying elementary school district to request eligibility determination for new construction grants based on a HSAA or Super HSAA basis. To qualify, the

elementary school district must meet specified criteria and conditions. This action also makes amendments to two forms incorporated by reference required to be used by the school districts that choose to apply for funding under the criteria and conditions specified. The office grants the Board's request that these amendments become effective upon filing with the Secretary of State pursuant to Government Code section 11343.4(c).

Title 2  
California Code of Regulations  
AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02  
Filed 02/24/2010  
Effective 02/24/2010  
Agency Contact: Robert Young (916) 445-0083

File# 2010-0112-05  
STATE WATER RESOURCES CONTROL BOARD  
San Francisco Bay PCB TMDL

This action by the State Water Resources Control Board approves the San Francisco Bay Regional Water Quality Control Board's adoption of Resolution R2-2008-0012 on February 13, 2008. Resolution R2-2008-0012 revised the San Francisco Region Basin Plan by establishing Total Maximum Daily Loads (TMDL) for allowable annual total polychlorinated biphenyls (PCBs) for the San Francisco Bay and the actions and monitoring necessary to implement the TMDL.

Title 23  
California Code of Regulations  
ADOPT: 3919.6  
Filed 02/25/2010  
Agency Contact: Peter Martin (916) 341-5557

File# 2010-0112-06  
STATE WATER RESOURCES CONTROL BOARD  
BPA to Establish a TMDL for Mercury in the Guadalupe River Watershed

This regulatory action is the State Water Resources Control Board's approval of the San Francisco Bay Regional Water Quality Control Board's adoption of Resolution No. R2-2008-0089 on October 8, 2008 which amended the Water Quality Control Plan for the San Francisco Bay Region by adopting Total Maximum Daily Loads (TMDL) for mercury in the Guadalupe River watershed.

Title 23  
California Code of Regulations  
ADOPT: 3919.7  
Filed 02/24/2010  
Effective 02/24/2010  
Agency Contact: Peter Martin (916) 341-5557

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN September 30, 2009 TO  
March 3, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**  
02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02  
02/23/10 AMEND: div. 8, ch. 16, sec. 37000  
02/19/10 AMEND: 52400  
02/11/10 ADOPT: 18421.9 AMEND: 18431  
02/11/10 AMEND: 18950.3  
02/09/10 ADOPT: 59660  
01/26/10 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585  
01/25/10 AMEND: 58100  
01/19/10 AMEND: div.8, ch. 102, sec. 59100  
01/14/10 AMEND: Section 27000  
01/13/10 ADOPT: div. 8, ch. 119, sec. 59640  
01/11/10 ADOPT: 18229.1, 18944 REPEAL: 18944  
01/05/10 AMEND: div. 8, ch. 49, sec. 53800  
12/22/09 AMEND: 1859.96, 1859.148.2, 1859.166.2  
12/21/09 AMEND: 1896.4, 1896.12  
12/21/09 ADOPT: 20714.5 AMEND: 20711, 20712, 20714, 20716, 20717, 20718, 20719  
11/24/09 AMEND: 1859.2  
11/24/09 AMEND: 1859.2, 1859.35, 1859.51, Form SAB 50-02, SAB Form 50-03, SAB Form 50-04  
11/17/09 ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20840, 20841, 20842  
11/16/09 AMEND: 1859.129, 1859.197  
11/12/09 ADOPT: 18944.4 AMEND: 18944.3  
11/12/09 ADOPT: 18219, 18734  
11/09/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197  
11/09/09 ADOPT: 604 REPEAL: 604  
11/05/09 ADOPT: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808,

	60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60829, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60837, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855	12/17/09 AMEND: 8070, 8072, 8073, 8074 12/09/09 AMEND: 12388 12/08/09 ADOPT: 12218.8, 12218.9, 12238, 12239 AMEND: 12200.9, 12200.10A, 12200.11, 12200.13, 12203.2, 12205.1, 12218, 12218.7, 12220.13, 12220.18, 12220.23, 12225.1, 12233, 12235 10/27/09 AMEND: 8034, 8035, 8042, 8043 10/20/09 AMEND: 1606 10/07/09 AMEND: 7030, 7034, 7035, 7037, 7038, 7042, 7044, 7045, 7046, 7048, 7049, 7050
11/03/09	ADOPT: 1859.96 AMEND: 1859.2, 1859.90	
10/01/09	AMEND: 2291, 2292, 2294 ADOPT: 2297	
10/01/09	AMEND: 1898.2, 1898.7	
<b>Title 3</b>		<b>Title 5</b>
03/03/10	REPEAL: 3279, 3433	02/26/10 AMEND: 19824, 19851, 19854
03/03/10	AMEND: 3591.20	02/01/10 ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730,
03/03/10	AMEND: 3406(b)	
03/03/10	AMEND: 3423(b)	
03/03/10	ADOPT: 3437	
02/26/10	AMEND: 3435	
02/18/10	AMEND: 3591.23	
02/18/10	ADOPT: 3591.24	
01/25/10	AMEND: 3434(b)	
01/25/10	AMEND: 3406(b)	
01/25/10	ADOPT: 1430.54, 1430.55, 1430.56, 1430.57	
01/19/10	ADOPT: 3436	
01/12/10	AMEND: 3434(b)	
01/11/10	AMEND: 3406(b) and (c)	
01/06/10	AMEND: 3435(b)	
01/04/10	AMEND: 2675, 2734, 2735	
12/31/09	AMEND: 3434(b), (c), (e)	
12/29/09	AMEND: 3423(b)	
12/28/09	AMEND: 3434(b)	
12/28/09	AMEND: 3434(b)	
12/16/09	AMEND: 3591.20(a)	
12/16/09	AMEND: 3406(b)(c)	
11/25/09	AMEND: 3435(b)	
11/24/09	AMEND: 3430(b)	
11/16/09	AMEND: 3435(b)	
11/16/09	AMEND: 3406(b)(c)	
11/10/09	AMEND: 3434(b)	
10/30/09	AMEND: 3435(b), (c) and (d)	
10/15/09	AMEND: 3434(b)	
10/08/09	AMEND: 3434(b)	
10/08/09	AMEND: 3591.20(a)	
<b>Title 4</b>		
02/01/10	AMEND: 1867	
01/29/10	AMEND: 1866	
01/27/10	AMEND: 10020	
01/27/10	AMEND: 1890	
01/27/10	AMEND: 1859	
01/27/10	AMEND: 1843.6 and 1858	

	72735, 72740, 72745, 72770, 72775,	10/26/09	AMEND: 5306
	72800, 72805, 72810, 72830, 72850,	10/22/09	AMEND: 3277
	72855, 72860, 72865, 72870, 72875,	10/07/09	AMEND: 2395.6
	72880, 72885, 72890, 72900, 72905,		
	72910, 72915, 72920, 72930, 73000,	<b>Title 9</b>	
	73010, 73100, 73110, 73120, 73130,	12/21/09	ADOPT: 9550
	73140, 73150, 73160, 73165, 73170,	12/21/09	ADOPT: 10700, 10701 AMEND: 10518,
	73180, 73190, 73200, 73210, 73220,		10529 REPEAL: 10532, 10533
	73230, 73240, 73260, 73270, 73280,	11/04/09	ADOPT: 3200.125, 3200.215, 3200.217,
	73290, 73300, 73310, 73320, 73330,		3200.253, 3200.254, 3200.255,
	73340, 73350, 73360, 73380, 73390,		3200.256, 3200.275, 3200.276,
	73400, 73410, 73420, 73430, 73440,		3200.320, 3200.325, 3550, 3810, 3820,
	73470, 73480, 73500, 73520, 73530,		3830, 3840, 3841, 3842, 3843, 3844,
	73540, 73550, 73600, 73610, 73620,		3844.1, 3845, 3850, 3851, 3851.1, 3852,
	73630, 73640, 73650, 73660, 73670,		3853, 3854, 3854.1, 3854.2, 3856
	73680, 73690, 73700, 73710, 73720,		AMEND: 3310, 3510
	73730, 73740, 73750, 73760, 73765,	10/26/09	ADOPT: 4350
	73770, 73780, 73790, 73800, 73820,	<b>Title 10</b>	
	73830, 73831, 73832, 73850, 73860,	02/23/10	ADOPT: 2756, 2758.1, 2758.2, 2758.3,
	73870, 73880, 73890, 73900, 73910,		2758.4, 2758.5, 2758.6, 2758.7, 2945.1,
	74008, 74010, 74014, 74016, 74018,		2945.2, 2945.3, 2945.4 AMEND: 2750,
	74020, 74030, 74040, 74050, 74100,		2911
	74180, 74300, 74310, 74320, 75000,	02/23/10	ADOPT: 2187, 2187.1, 2187.3, 2187.6,
	75020, 75030, 75040, 75100, 75110,		2188.2.5, 2188.5.5, 2188.50(a),
	75120, 75130, 76010		2188.50(b), 2188.50(c), 2188.50(e),
01/21/10	ADOPT: 30701, 30702, 30703, 30704,		2188.50(h) AMEND: 2186, 2186.1, 2187
	30705, 30706, 30707, 30708, and 30709		(renumbered to 2187.3), 2187.1
	REPEAL: 30701, 30702, 30703, 30704,		(renumbered to 2187.2), 2187.2
01/21/10	ADOPT: 80034.1, 80034.2, 80034.3		(renumbered to 2187.7), 2187.3
	AMEND: 80035, 80035.1, 80035.5		(renumbered to 2187.4), 2187.4
01/04/10	AMEND: 1203, 1204, 1205, 1206,		(renumbered to 2187.5), 2188, 2188.1,
	1207.1, 1208, 1209, 1211, 1217, 1218,		2188.2, 2188.3, 2188.4, 2188.5, 2188.23
	1219, 1220, 1225		(renumbered to 2188.50(d)), 2188.24
12/18/09	AMEND: 41905		(renumbered to 2188.50(f)), 2188.83
12/16/09	ADOPT: 19828.4, 19837.3, 19839,		(renumbered to 2188.50(g))
	19845.2 AMEND: 19815, 19816,	02/03/10	AMEND: 2695.85
	19816.1, 19828.3, 19837.2, 19845.1,	01/21/10	ADOPT: 3575, 3576, 3577 AMEND:
	19846		3500, 3522, 3523, 3524, 3526, 3527,
12/16/09	ADOPT: 30730, 30731, 30732, 30733,		3528, 3529, 3530, 3582, 3681, 3702,
	30734, 30735, 30736		3703, 3721, 3724, 3726, 3728, 3731,
11/03/09	AMEND: 1200, 1204.5, 1207, 1207.5,		3741
	1210, 1211.5, 1215, 1215.5, 1216	01/07/10	AMEND: 2651.1, 2652.1, 2652.10,
	REPEAL: 1207.2		2653.3, 2653.4, 2653.5, 2654.1, 2655.3,
			2655.4
<b>Title 8</b>		12/15/09	REPEAL: 2232.45.1, 2232.45.2,
02/03/10	AMEND: 5155		2232.45.3, 2232.45.4, 2232.45.5
02/02/10	AMEND: 1549(h)	12/08/09	AMEND: 2699.6603
12/09/09	AMEND: 9812, 10111.2	12/07/09	ADOPT: 2309.2, 2309.3, 2309.4, 2309.5,
12/02/09	AMEND: 4086		2309.6, 2309.7, 2309.8, 2309.9, 2309.10,
11/19/09	AMEND: 15600, 15601, 15602, 15603,		2309.11, 2309.12, 2309.13, 2309.14,
	15604, 15605, 15606, 15607, 15611		2309.15, 2309.16, 2309.17, 2309.18,
11/04/09	AMEND: 9771, 9778, 9779, 9779.5		2309.20
	REPEAL: 9779.9	12/03/09	AMEND: 2698.600, 2698.602
10/28/09	AMEND: 3333, 3650		



12/01/09	ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8 AMEND: 2031.9, 2031.10	10/13/09	ADOPT: 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359
12/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10	<b>Title 13, 17</b>	
12/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10	12/03/09	AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5
12/01/09	AMEND: 2699.200, 2699.201	<b>Title 14</b>	
11/19/09	AMEND: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507	02/23/10	AMEND: 1052(a)
11/19/09	AMEND: 2498.5	02/18/10	AMEND: 155
11/19/09	AMEND: 2498.5	02/16/10	ADOPT: 15064.4, 15183.5, 15364.5 AMEND: 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15183, Appendix F, Appendix G
11/19/09	AMEND: 2498.4.9	02/09/10	ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74, 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30, 5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81, 5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80, 27.92, 29.90, 700, 701
11/19/09	AMEND: 2498.4.9	02/03/10	AMEND: 11960
11/10/09	AMEND: 260.101.2, 260.103.4, 260.105.7, 260.105.17, 260.105.33, 260.105.34, 260.211.1, 260.217, 260.230, 260.241.4, 260.242 REPEAL: 260.105.37, 260.204.11	02/01/10	AMEND: 1257
10/29/09	AMEND: 2699.6809	01/29/10	AMEND: 791.7, 792
10/29/09	AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725	01/28/10	AMEND: 2090, 2425, 2525, 2530
10/26/09	AMEND: 2632.9	01/14/10	ADOPT: 749.5
10/26/09	AMEND: 2695.85	01/13/10	REPEAL: 1.18
10/15/09	AMEND: 2632.5	01/08/10	AMEND: 4970.00, 4970.01, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10, 4970.10.1, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.17, 4970.19, 4970.19.2, 4970.19.4, 4970.20, 4970.21, 4970.22, 4970.24, 4970.25.1, 4970.26
10/06/09	ADOPT: 2728, 2773, 2903 AMEND: 2731, 2848, 2930 REPEAL: 2728, 2755	12/29/09	AMEND: 4609
<b>Title 11</b>		12/21/09	AMEND: 670.5
01/11/10	38.3	12/21/09	AMEND: 2310, 2320
01/05/10	AMEND: 900, 901, 902, 903, 904, 905, 906 REPEAL: 907, 908, 909, 910, 911	12/02/09	AMEND: 699.5
11/09/09	AMEND: 1005, 1007, 1008	12/01/09	AMEND: 895, 895.1, 898, 914.8, 916, 916.2, 916.5, 916.9, 916.11, 916.12, 923.3, 923.9, 916.9.1, 923.9.1, 934.8, 936.5, 936, 936.2, 936.9, 936.9.1, 936.11, 936.12, 943.3, 943.9, 943.9.1, 954.8, 956.5, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9
10/14/09	AMEND: 9052(c), 9053(b), 9053(c), 9053(e)(5)(A)4, 9053(e)(10)(A), 9053(e)(10)(B), 9054(e)(4), 9057(b), 9059(b), 9059(c), 9059(e)(9)(A), 9059(e)(9)(B), 9060(e)(4)	11/30/09	ADOPT: 1022.4, 1022.5, 1024.6 AMEND: 1035.3, 1090.12, 1092.14
<b>Title 12</b>		11/30/09	AMEND: 1052, 1052.1, 1052.4
10/13/09	ADOPT: 600 REPEAL: 600	11/25/09	AMEND: 895, 895.1, 919.9, 919.10, 939.9, 939.10
<b>Title 13</b>		11/23/09	ADOPT: 749.4
03/03/10	AMEND: 423.00	11/18/09	AMEND: 163, 164
02/22/10	AMEND: 350.36, 350.38, 350.40, 350.44, 350.46	10/29/09	AMEND: 551
01/14/10	ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978		
01/05/10	AMEND: 553.70		
12/31/09	AMEND: 2449, 2449.1, 2449.2		
12/31/09	AMEND: 2449, 2449.1, 2449.2		
12/15/09	ADOPT: 155.07 AMEND: 155.05		
12/09/09	ADOPT: 2025		
12/03/09	AMEND: 425.01		
10/20/09	AMEND: 2433		

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10/27/09 AMEND: 938.8  
 10/27/09 ADOPT: 1530.05 AMEND: 1553, 1554, 1561.1, 1562, 1564, 1567  
 10/26/09 ADOPT: 1091.15 AMEND: 1091.9  
 10/22/09 ADOPT: 749.5  
 10/20/09 ADOPT: 6594, 6594.1, 6594.2, 6594.3, 6594.4, 6594.5, 6594.6, 6594.7, 6594.8, 6594.9, 6594.20, 659.21, 6594.22, 6594.23, 6594.24, 6594.25, 6594.26, 6594.27, 6594.40, 6594.41, 6594.42, 6594.43, 6594.44, 6594.45, 6594.46, 6594.47  
 10/20/09 AMEND: 300  
 10/07/09 AMEND: 122  
 10/05/09 AMEND: 670.5

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02/24/10 AMEND: 7001  
 02/16/10 ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565  
 02/02/10 ADOPT: 3054.3 AMEND: 3054, 3054.1, 3054.2, 3054.3 (renumbered to 3054.4), 3054.4 (renumbered to 3054.5), 3054.5 (renumbered to 3054.6), 3054.6 (renumbered to 3054.7)  
 01/25/10 ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2  
 01/25/10 ADOPT: 3075.2(b)(4) through (b)(4)(C), 3075.3(c), 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504  
 01/07/10 AMEND: 1, 100, 102, 260, 261, 262, 263, 351, 352, 353, 354, 355, 356, 358, 1006, 1010, 1029, 1032, 1045, 1055, 1056, 1063, 1081, 1083, 1084, 1100, 1122, 1140, 1160, 1245, 1260, 1264, 1272, 1280  
 01/07/10 ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6  
 12/29/09 ADOPT: 3378.3 AMEND: 3000, 3378.1  
 12/21/09 AMEND: 3287, 3290  
 11/24/09 ADOPT: 3123, 3124 AMEND: 3041.3, 3122, 3162, 3164, 3165  
 10/23/09 ADOPT: 3999.8  
 10/14/09 AMEND: 3045.2  
 10/06/09 AMEND: 3000, 3173.1, 3176, 3176.3, 3315, 3323

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02/24/10 AMEND: 4120  
 02/22/10 ADOPT: 2262.1 AMEND: 2262  
 02/18/10 ADOPT: 50.1  
 02/16/10 ADOPT: 318.1  
 01/06/10 AMEND: 1505

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 01/06/10 ADOPT: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8 AMEND: 1751, 1751.01, 1751.02, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8, 1751.9 REPEAL: 1716.1, 1716.2, 1751.1, 1751.6, 1751.9  
 12/18/09 ADOPT: 81, 87.8, 87.9 AMEND: 80, 87, 87.1, 87.7, 88, 88.1, 88.2, 89  
 12/16/09 ADOPT: 3340.45 AMEND: 3340.5, 3340.15, 3340.16, 3340.42  
 12/10/09 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6  
 12/09/09 AMEND: 1314.1  
 12/03/09 AMEND: 1338  
 11/30/09 AMEND: 832.45, 832.46, 861 REPEAL: 842  
 11/30/09 AMEND: 2286  
 11/12/09 ADOPT: 645  
 11/05/09 ADOPT: 3340.42.2 AMEND: 3340.17, 3340.42  
 10/08/09 AMEND: 1888  
 10/07/09 ADOPT: 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99 REPEAL: 1399.50, 1399.52  
 10/05/09 ADOPT: 1399.514

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02/08/10 AMEND: 95362, 95365, 95366, 95367, 95368  
 01/12/10 ADOPT: 95480, 95480.1, 95481, 95482, 95483, 95484, 95485, 95486, 95487, 95489, 95490  
 12/28/09 ADOPT: 95340, 95341, 95342, 95343, 95344, 95345, 95346  
 12/17/09 ADOPT: 100600, 100601, 100602, 100603, 100604, 100605, 100606, 100607, 100608, 100609, 100610, 100611  
 12/14/09 ADOPT: 95320, 95321, 95322, 95323, 95324, 95325, 95326  
 12/09/09 ADOPT: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311  
 11/12/09 AMEND: 30305  
 11/10/09 ADOPT: 100502  
 10/15/09 ADOPT: 1230 REPEAL: 1230

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01/25/10 AMEND: 2504, 2505, 2506, 2507, 2508, 2509, 2512, 2513, 2514, 2525, 2530, 2535, 2536, 2537, 2538, 2540, 2541, 2542, 2543, 2544, 2557, 2560, 2561  
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10/06/09 ADOPT: 1412.1, 1412.2, 1412.3, 1412.4,  
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03/03/10 AMEND: 70055, 70577, 70703, 70706,  
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97177.70, 97177.75, 97199.50, 97200  
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02/23/10 AMEND: 7000  
01/27/10 AMEND: 4402.2, 4406, 4409, 4420,  
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01/21/10 AMEND: 455.5-6, 455.5-7, 455.5-8  
12/31/09 AMEND: 97018, 97019, 97215, 97216,  
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12/21/09 AMEND: 7314  
11/24/09 ADOPT: 65800, 65801, 65802, 65803,  
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02/04/10 ADOPT: 84074 AMEND: 83074, 83087,  
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**Title 23**

02/25/10 ADOPT: 3919.6  
02/24/10 ADOPT: 3919.7  
02/22/10 ADOPT: 2631.2  
01/26/10 AMEND: 3939.10  
12/15/09 AMEND: 2200  
12/01/09 ADOPT: 5.1, 13.1, 13.2, 138 AMEND: 1,  
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11/04/09 ADOPT: 2631.2  
11/02/09 ADOPT: 3919.5  
10/21/09 AMEND: 1062, 1064, 1066, 1070  
10/06/09 AMEND: 3939.2  
09/30/09 ADOPT: 570, 571, 572, 573, 574, 575,  
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09/30/09 AMEND: 3939.2

**Title 24**

12/02/09 ADOPT: 1-702 AMEND: 1-701

**Title 25**

02/25/10 ADOPT: 6200, 6201, 6202, 6203  
01/29/10 AMEND: 5000, 5001, 5002, 5010, 5011,  
5012, 5013, 5020, 5020.5, 5021, 5022,  
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10/29/09 AMEND: 1008  
10/15/09 ADOPT: 4100, 4102, 4104

**Title 27**

12/17/09 ADOPT: 10010 REPEAL: 10010  
12/02/09 AMEND: 27001  
10/26/09 AMEND: 25102(d)

**Title 28**

12/18/09 ADOPT: 1300.67.2.2

**Title MPP**

02/26/10 ADOPT: 31-021 AMEND: 31-003,  
31-410, 31-501  
01/29/10 ADOPT: 91-101, 91-110, 91-120,  
91-130, 91-140  
12/22/09 AMEND: 11-425, 22-001, 22-003,  
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12/15/09 AMEND: 70-104  
11/10/09 AMEND: 31-002, 31-003 and 31-502

## 2010 RULEMAKING CALENDAR

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